

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

NORTHMOBILETECH LLC,)	
)	
Plaintiff,)	
)	Case No. 3:11-cv-291
v.)	
)	
GENERAL GROWTH PROPERTIES, INC.,)	
)	
Defendant.)	

JOINT PRELIMINARY PRE-TRIAL CONFERENCE STATEMENT

After meeting and conferring under Rule 26(f) on July 15, 2011, Plaintiff, NorthMobileTech, LLC (“NMT”) and Defendant, General Growth Properties, Inc. (“GGP”) submit the following Joint Preliminary Pre-Trial Conference Statement in anticipation of the Telephone Preliminary Pre-trial Conference set for July 22, 2011 at 1:30 p.m.

Parties’ Proposed Scheduling and Discovery Plan

The parties submit the following proposals for the discovery plan under Fed.R.Civ.P. 26(f):

Date	Parties' Agreed Proposal
Initial Rule 26 Disclosures	08/15/2011
Plaintiff’s Infringement Contentions	08/19/2011
Defendant’s Contentions of Invalidity and Unenforceability	09/14/2011
Exchange of Terms and Proposed Construction	09/22/2011
Motions Requesting Construction (Opening Briefs on Claim Construction)	10/12/2011
Responsive Briefs on Claim Construction	10/26/2011
Claims Construction Hearing	11/9/2011
Amendment to Pleadings	01/20/2012
Initial Expert Reports (Liability)	02/03/2012
Rebuttal Expert Reports (Liability)	03/05/2012
Dispositive Motions	04/24/2012
Opening Expert Reports (Damages)	06/15/2012

Date	Parties' Agreed Proposal
Rebuttal Expert Reports (Damages)	07/13/2012
Settlement Letters	09/21/2012
Close of Discovery	09/21/2012
Rule 26(a)(3) Disclosures and All Motions in Limine	09/21/2012
Objections to Rule 26(a)(3) Disclosures	10/05/2012
Final Pretrial Conference	10/19/2012
Trial	November 2012

OTHER INFORMATION REQUESTED IN STANDING ORDER

In addition to the above discovery plan proposal, the parties submit the following as a joint preliminary pre-trial statement to the Court:

1. Nature of the Case

This is an action for patent infringement. Plaintiff NMT seeks an injunction and damages due to the alleged infringement of U.S. Patent No. 7,805,130 (“the ‘130 patent”) entitled “Marketing Method.” Defendant GGP denies the infringement allegations, and has filed counterclaims seeking a declaration that the claims of the ‘130 patent are invalid and/or not infringed.

2. Related Cases

There are no related cases pending involving NMT and GGP. NMT has filed another lawsuit in this Court against Simon Property Group, Inc., Case No. 11-CV-287, also asserting claims directed to Simon’s alleged infringement of the ‘130 patent. Both GGP and Simon have moved to transfer the respective cases to what each asserts is a more convenient venue. NMT denies that transfer is appropriate in either case, and filed its opposition to Simon’s motion for transfer on May 23 and will file its opposition to GGP’s motion on Thursday, July 21.

3. Specific Statement of Material Factual and Legal Issues

- a. The issue of infringement of claims of the patent-in-suit, and whether any such infringement was willful;
- b. The validity of the asserted claims of the patent-in-suit;
- c. Damages, if the patent-in-suit is determined to be valid and infringed; and
- d. Whether an injunction should issue.

4. A Description of Any Amendments to the Pleadings

Counsel are not presently aware of the need to amend any pleadings.

5. The Identity of any New Parties

Counsel are not presently aware of any additional necessary parties.

6. The Estimated Length of Time Required for Trial

Plaintiff NMT estimates it will take 3-4 trial days to present its case, including its damages and willfulness case.

Defendant GGP estimates it will take 3-4 trial days to present its case.

7. Other Items

A. *Electronic Service:* The parties hereby consent in writing that service by electronic means shall be allowed and that such service shall be complete upon transmission.

B. *Electronic Copies:* The parties agree that copies of all written discovery requests shall be provided and/or served electronically and that copies of all proposed findings of fact as required by the Court's standing order shall be provided and/or served electronically.

C. *Protective Order:* Prior to the production of documents in this case, the parties will seek from the Court the entry of a Protective Order governing confidential information, in a form to be agreed upon by the parties.

D. Written and Electronic Discovery: Except as stated below, the parties stipulate that the limitations of the Federal Rules of Civil Procedure should govern discovery in this matter, including the limitations on the number of depositions. The parties agree that the 10 depositions permitted by Rule 30(a)(2)(A) shall not include depositions of expert witnesses, and that the parties be allowed to serve up to 40 interrogatories. If it is later determined that additional discovery is needed, the parties will work together to facilitate reasonable additional discovery before seeking relief from the Court.

The parties stipulate that documents may be produced by providing electronic copies regardless of whether such documents were originally in tangible or electronic form. Emails will be produced in native form. The parties will cooperate in determining appropriate search terms for use in identifying and producing electronic documents, emails, and other items subject to discovery requests.

Dated this 19th day of July, 2011.

NORTHMOBILE TECH LLC

By: /s/ Travis James West
Travis James West
State Bar No. 1052340
SOLHEIM BILLING & GRIMMER, S.C.
One South Pinckney Street, Suite 301
P.O. Box 1644
Madison, WI 53701-1644
(608) 561-1779 (phone)
(608) 282-1218 (facsimile)
twest@sbgllaw.com

Keith A. Rabenberg
Admitted *Pro Hac Vice*
Michael J. Hartley
Admitted *Pro Hac Vice*
SENNIGER POWERS LLP
100 North Broadway, 17th Floor
St. Louis, Missouri 63102

(314) 345-7000 (phone)
(314) 345-7600 (facsimile)
krabenberg@senniger.com
mhartley@senniger.com

ATTORNEYS FOR PLAINTIFF
NORTHMOBILETECH, LLC.

GENERAL GROWTH PROPERTIES, INC.

By: /s/ Mark A. Pals, P.C.
Mark A. Pals, P.C., (IL 6201751)
Eric D. Hayes, *pro hac vice*
Helena D. Kiepora, *pro hac vice*
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
mark.pals@kirkland.com
eric.hayes@kirkland.com
helena.kiepora@kirkland.com
*Attorneys for Defendant General Growth
Properties, Inc.*

David A. Casimir
David A. Payne
CASIMIR JONES, S.C.
2275 Deming Way, Ste 310
Middleton, WI 53562
Telephone: (608) 662-1277
Facsimile: (608) 662-1276
dacasimir@casimirjones.com
*Attorneys for Defendant General Growth
Properties, Inc.*